

Payne R. Horning
Associate

June 8, 2023

VIA CM/ECF

Hon. Brenda K. Sannes
United States District Court
Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, New York 13261

Re: Jane Doe v. Syracuse University
5:18-cv-1100 (BKS) (TWD)

Dear Judge Sannes:

Our office represents the defendant, Syracuse University (“University”), in the above-referenced matter.

Please accept this letter as providing a status report in this matter (including Plaintiff reneging on agreed-upon settlement terms) as well as a request for a copy of the letter Plaintiff claims she sent to the Court on or about May 26 (but has refused to provide to the University). Also, in light of Plaintiff’s failure to negotiate in good faith, please accept this letter as the University’s request that the Court (or Magistrate Judge Dancks) return the parties to the discovery process.

As the Court is aware, on April 25, 2023, Plaintiff filed a letter with the Court wherein she stated that she “requested the court to dismiss the lawsuit.” Dkt. No. 84. Thereafter on April 28, the Court informed Plaintiff that any voluntary dismissal of the action would require a court order or a stipulation signed by both parties and, accordingly, gave the parties until May 12 to file a stipulation to the dismissal of the action with prejudice, with each party to bear its own costs, attorneys’ fees, and expenses. Dkt. No. 85.

Since the Court issued its April 28 Text Order, the University has attempted to confer with Plaintiff about the Court’s directive. On April 28 and again on May 1, the University emailed Plaintiff a stipulation of dismissal for her consideration. *See Exhibit A.* Plaintiff did not reply to these emails until May 5, at which time she stated that she would not dismiss her action unless the University met one condition. *See Exhibit B.* On May 12, in light of Plaintiff’s newly-stated demand, the University requested an extension from the Court for the parties to file the stipulation of dismissal. Dkt. No. 86. The Court extended the deadline to May 26. Dkt. No. 87.

On May 19, the University informed Plaintiff that it accepted her newly-stated settlement demand, and included a copy of a proposed settlement agreement for her review. *See Exhibit C.* Plaintiff, however, failed to respond to the University’s May 19 email nor to follow-up emails sent

Hon. Brenda K. Sannes
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May 23 and 25. Thereafter, on May 25, the University asked the Court for an additional two-week extension of the May 26 deadline in order to provide Plaintiff additional time to consider the proposed settlement agreement. Dkt. No. 88. The Court granted this request, giving the parties until June 9 to submit a stipulation of dismissal. Dkt. No. 89.

On May 25, the University again emailed Plaintiff regarding her review and execution of the settlement agreement and stipulation of dismissal, as the parties had already agreed to the terms of a settlement. On May 26, Plaintiff finally responded, and advised the University that she “disagree[d]” with the terms of the settlement agreement that she herself had requested. *See Exhibit D.* In that same email, Plaintiff also stated that she sent the Court a letter which contained her disagreement to the terms of the parties’ settlement. *Id.* Immediately upon receiving Plaintiff’s May 26 email, the University asked Plaintiff to provide a copy of her letter she claims she sent to the Court. *See Exhibit E* (the University also advised Plaintiff as follows: “In the settlement agreement, the University agrees to your proposal. I’m not clear what you ‘disagree’ about. If you disagree with something, the way the process works is you let the other side know.”). Plaintiff responded later that day, stating that she would forward the letter on the following Monday, May 29. *See Exhibit F.*

On Wednesday, May 31, the University informed Plaintiff that it had yet to receive the letter she promised to send. *See Exhibit G.* In response, Plaintiff stated, “you will see the letter when it is available.” *See Exhibit H.* In her May 31 letter, Plaintiff also made **five new settlement demands!** *Id.*

So, in summary, we went from Plaintiff dismissing her complaint outright to Plaintiff making one demand to settle the case (which the University agreed to) to Plaintiff making five new (unreasonable) settlement demands. Moreover, it is now June 8 and Plaintiff still has not provided the University with the letter she sent to the Court on or about May 26.

As a result of Plaintiff’s actions, the parties must reengage in the discovery process. In that regard, the University notes that Plaintiff has yet to comply with the Court’s directive set forth in the Text Order issued on April 17, which required her to correct the deficiencies in her previous discovery responses that the University laid out in a letter to the court (Dkt. No. 81).¹ In light of Plaintiff’s pattern of being unresponsive and, euphemistically, inconsistent, it is respectfully requested that the Court (or Magistrate Judge Dancks) set October 31, 2023 as the discovery deadline in this matter, with the expectation that the University will take Plaintiff’s deposition by mid-September, leaving Plaintiff time to take depositions as well.

¹ In her May 31 email to the University, Plaintiff seems to allege that she has not received the University’s deficiency letter and response to her deficiency letter, which the Court ordered the University to send in a Text Order issued on February 3. Dkt. No. 79. In fact, the University has complied with the Text Order in full, sending both documents to Plaintiff on February 28. *See Exhibit I.* In a letter accompanying these documents, the University informed Plaintiff that it had already sent her these documents and had proof that they had been delivered to her address (which is the only address listed on the docket for the instant lawsuit) and sent to her email address (the same address that Plaintiff has used and replied to consistently in her correspondence with the University to date). *See Exhibit J.*

Hon. Brenda K. Sannes
June 8, 2023

Thank you.

Respectfully,

s/Payne Horning

Payne R. Horning
Bar Roll No. 704170

cc Jane Doe (by e-mail)

Exhibit A

From: Horning, Payne R.
Sent: Friday, April 28, 2023 5:06 PM
To: [REDACTED]@gmail.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Good Evening Ms. [REDACTED],

Below you will find the Court's Text Order that was issued this afternoon in response to your request to dismiss this case. In essence, the Court is telling the parties that in order to conclude this matter, we need to file a signed stipulation of dismissal from both sides in accordance with Rule 41 of the Federal Rules of Civil Procedure.

Therefore, we have drafted a stipulation that satisfies the Court's directive. Attached to this email you will find two copies of a stipulation of dismissal. Please sign your full legal name on both versions. For the version of the stipulation that says "Jane Doe," I will redact your signature (black out) to protect your identity, and will file this redacted copy for the Judge's signature in compliance with the Court's Text Order. We will retain the other copy in our file and keep it confidential.

Thank you,
PRH

From: ecf.notification@nynd.uscourts.gov <ecf.notification@nynd.uscourts.gov>
Sent: Friday, April 28, 2023 2:40 PM
To: NYND_ECFQC@nynd.uscourts.gov
Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Order

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Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF Release 1.7 (Revision 1.7.1.1)]

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Case Name: DOE v. Syracuse University

Case Number: [5:18-cv-01100-BKS-TWD](#)

Filer:

Document Number: 85 (No document attached)

Docket Text:

TEXT ORDER: The Court has reviewed Plaintiff's notice of voluntary dismissal [84]. Under Fed. R. Civ. P. 41(a)(1)(A), the Plaintiff cannot voluntarily dismiss this action; a stipulation or court order is necessary. Both parties are therefore directed to notify the Court by May 12, 2023 whether they stipulate to the dismissal of this action with prejudice, with each party to bear its own costs, attorneys' fees and expenses. SO ORDERED by Chief Judge Brenda K. Sannes on 4/28/2023. (Copy served upon pro se plaintiff via regular mail.) (nmk)

5:18-cv-01100-BKS-TWD Notice has been electronically mailed to:

Edward G. Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

JANE DOE
(06274) #304 201
Eonju-ro, Gangnam-gu
Seoul, South Korea

From: Horning, Payne R.
Sent: Monday, May 1, 2023 2:11 PM
To: [REDACTED] @gmail.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: FW: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Good Afternoon Ms. [REDACTED],

I am following up on the email I sent you on Friday. Attached are the two copies of the Stipulation of Dismissal, ready for your signature. We can file it with the Court once you send back the signed copies.

Thank you,
PRH

From: Horning, Payne R.
Sent: Friday, April 28, 2023 5:06 PM
To: [REDACTED] @gmail.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Good Evening Ms. [REDACTED],

Below you will find the Court's Text Order that was issued this afternoon in response to your request to dismiss this case. In essence, the Court is telling the parties that in order to conclude this matter, we need to file a signed stipulation of dismissal from both sides in accordance with Rule 41 of the Federal Rules of Civil Procedure.

Therefore, we have drafted a stipulation that satisfies the Court's directive. Attached to this email you will find two copies of a stipulation of dismissal. Please sign your full legal name on both versions. For the version of the stipulation that says "Jane Doe," I will redact your signature (black out) to protect your identity, and will file this redacted copy for the Judge's signature in compliance with the Court's Text Order. We will retain the other copy in our file and keep it confidential.

Thank you,
PRH

From: ecf.notification@nynd.uscourts.gov <ecf.notification@nynd.uscourts.gov>

Sent: Friday, April 28, 2023 2:40 PM

To: NYND_ECFQC@nynd.uscourts.gov

Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Order

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Case Number: [5:18-cv-01100-BKS-TWD](#)

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Document Number: 85(No document attached)

Docket Text:

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Edward G. Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

JANE DOE
(06274) #304 201
Eonju-ro, Gangnam-gu
Seoul, South Korea

Exhibit B

From: [REDACTED]@gmail.com <[REDACTED]@gmail.com>
Sent: Friday, May 5, 2023 7:06 AM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Re: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Hello,
I may ask [REDACTED]. Then, I will sign the Stipulation of Dismissal.

Thank you,
[REDACTED]

2023. 5. 2. 오전 3:11, Horning, Payne R. <PHorning@barclaydamon.com> 작성:

Good Afternoon Ms. [REDACTED],

I am following up on the email I sent you on Friday. Attached are the two copies of the Stipulation of Dismissal, ready for your signature. We can file it with the Court once you send back the signed copies.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

BARCLAY DAMON LLP
Barclay Damon Tower • 125 East Jefferson Street • Syracuse, NY 13202

D: (315) 413-7123 • F: (315) 425-8566 • C: (515) 564-9497
E: PHorning@barclaydamon.com

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Sent: Friday, April 28, 2023 5:06 PM
To: [REDACTED]@gmail.com
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Good Evening Ms. [REDACTED],

Below you will find the Court's Text Order that was issued this afternoon in response to your request to dismiss this case. In essence, the Court is telling the parties that in order to conclude this matter, we need to file a signed stipulation of dismissal from both sides in accordance with Rule 41 of the Federal Rules of Civil Procedure.

Therefore, we have drafted a stipulation that satisfies the Court's directive. Attached to this email you will find two copies of a stipulation of dismissal. Please sign your full legal name on both versions. For the version of the stipulation that says "Jane Doe," I will redact your signature (black out) to protect your identity, and will file this redacted copy for the Judge's signature in compliance with the Court's Text Order. We will retain the other copy in our file and keep it confidential.

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Case Number: [5:18-cv-01100-BKS-TWD](#)

Filer:

Document Number: 85(No document attached)

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Payne Horning phorning@barclaydamon.com

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JANE DOE
(06274) #304 201
Eonju-ro, Gangnam-gu
Seoul, South Korea

<Jane Doe v Syracuse University Stipulations of Dismissal(26294189.1).pdf>

Exhibit C

From: Melvin II, Edward G. <emelvin@barclaydamon.com>
Sent: Friday, May 19, 2023 6:08 PM
To: [REDACTED]@gmail.com' <[REDACTED]@gmail.com>
Cc: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Settlement Agreement and Stipulations [IMAN-ACTIVE.FID2707984]

Dear Ms. [REDACTED]: I have enclosed a draft of the settlement agreement for your review—pursuant to which the University [REDACTED] in return for you signing the agreement and providing signed copies of the two stipulations Mr. Horning sent to you a couple of weeks ago. The agreement refers to them being attached as Exhibit A, but they are the ones Payne sent you. As a result, there are three documents for you to review (and advise as to any changes), sign, and send back to us by email/pdf.

Please let us know if you have any questions. Thank you.

Edward G. Melvin II - Partner
he/him/his
📍 Syracuse ☎ (315) 425-2783 ☎ (315) 383-8983

From: Melvin II, Edward G.
Sent: Thursday, May 18, 2023 3:40 PM
To: [REDACTED]@gmail.com
Cc: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: RE: [REDACTED] Demand

Good afternoon Ms. [REDACTED]: Please be advised that the University has agreed to your proposal to [REDACTED], in return for you to sign a settlement agreement and the stipulation of dismissal copies.

I will draft the settlement agreement for your review. The settlement agreement does not get filed with the Court. Instead, once you and I sign the stipulation of dismissal, I will file the stipulation of dismissal with the Court. I believe Mr. Horning provided two copies of the stipulation for your signature. As he noted, we will keep one copy with your name for our file, and file a copy with the Court that will be redacted.

Thank you. Edward Melvin

Begin forwarded message:

From: [REDACTED]@gmail.com

Date: May 5, 2023 at 7:06:43 AM EDT

To: "Horning, Payne R." <PHorning@barclaydamon.com>

Subject: Re: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

Hello,

I may ask to [REDACTED]. Then, I will sign the Stipulation of Dismissal.

Thank you,

2023. 5. 2. 오전 3:11, Horning, Payne R. <PHorning@barclaydamon.com> 작성:

Good Afternoon Ms. [REDACTED],

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Thank you,

PRH

Payne R. Horning

Pronouns: he/him/his

Associate

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Sent: Friday, April 28, 2023 5:06 PM
To: [REDACTED]@gmail.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Stipulation of Dismissal [IMAN-ACTIVE.FID3131071]

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Therefore, we have drafted a stipulation that satisfies the Court's directive. Attached to this email you will find two copies of a stipulation of dismissal. Please sign your full legal name on both versions. For the version of the stipulation that says "Jane Doe," I will redact your signature (black out) to protect your identity, and will file this redacted copy for the Judge's signature in compliance with the Court's Text Order. We will retain the other copy in our file and keep it confidential.

Thank you,
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Case Number: [5:18-cv-01100-BKS-TWD](#)

Filer:

Document Number: 85 (No document attached)

Docket Text:

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docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

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(06274) #304 201
Eonju-ro, Gangnam-gu
Seoul, South Korea

<Jane Doe v Syracuse University Stipulations of Dismissal(26294189.1).pdf>

Exhibit D

From: [REDACTED]@gmail.com>
Sent: Friday, May 26, 2023 11:51 AM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I did not reply two emails because I received them at 11PM and 7AM in Korean time. I did not sign on the agreement because I disagree. And I let the court know that I sent the letter today.

Thank you,

[REDACTED]

On May 26, 2023, at 7:17 AM, Horning, Payne R. <PHorning@barclaydamon.com> wrote:

Ms. [REDACTED],

Please be advised that we filed the attached letter with the Court today.

As Mr. Melvin earlier explained, the University has agreed to your proposal to [REDACTED] [REDACTED] in return for your signature on the proposed settlement agreement and the stipulation of dismissal copies. Each of these documents have previously been provided to you for your consideration, but let me know if you need me to send them again. Please respond to this email or Mr. Melvin's as soon as possible.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

BARCLAY DAMON LLP

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From: ecf.notification@nynd.uscourts.gov <ecf.notification@nynd.uscourts.gov>
Sent: Thursday, May 25, 2023 5:52 PM
To: NYND_ECFQC@nynd.uscourts.gov
Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion

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The following transaction was entered by Horning, Payne on 5/25/2023 at 5:51 PM EDT and filed on 5/25/2023

Case Name: DOE v. Syracuse University
Case Number: [5:18-cv-01100-BKS-TWD](https://ecf.nynd.uscourts.gov/case/5:18-cv-01100-BKS-TWD)

Filer: Syracuse University

Document Number: 88

Docket Text:

Second Letter Motion for Syracuse University requesting Additional Time to Respond to the Court's Text Order - Docket No. 87 submitted to Judge Brenda K. Sannes . (Horning, Payne)

5:18-cv-01100-BKS-TWD Notice has been electronically mailed to:

Edward G.

Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

JANE DOE

(06274) #304 201

Eonju-ro, Gangnam-gu

Seoul, South Korea

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1051896954 [Date=5/25/2023] [FileNumber=5788055-0] [31157de605bea1d877d35ed7339611174b247281e2a1882d86204fb07c0c290f988efde663fa9ef1627386b84571da8943045e87a41f6112b63341c5266e46ee]]

<May 25 Extension Request Letter(26427149.1).pdf>

Exhibit E

From: Melvin II, Edward G. <emelvin@barclaydamon.com>
Sent: Friday, May 26, 2023 11:56 AM
To: [REDACTED]@gmail.com>; Horning, Payne R. <PHorning@barclaydamon.com>
Subject: RE: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

Ms. [REDACTED]: The process works much better if the parties communicate. I emailed you last Thursday, Friday and this past Tuesday with no response from you.

In the settlement agreement, the University agrees to your proposal. I'm not clear what you "disagree" about. If you disagree with something, the way the process works is you let the other side know.

Please forward me your letter to the Court.

Thank you. Edward Melvin

Edward G. Melvin II - Partner
he/him/his
📍 Syracuse ☎ (315) 425-2783 ☎ (315) 383-8983

From: [REDACTED]@gmail.com>
Sent: Friday, May 26, 2023 11:51 AM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I did not reply two emails because I received them at 11PM and 7AM in Korean time. I did not sign on the agreement because I disagree. And I let the court know that I sent the letter today.

Thank you,

[REDACTED]

On May 26, 2023, at 7:17 AM, Horning, Payne R. <PHorning@barclaydamon.com> wrote:

Ms. [REDACTED],

Please be advised that we filed the attached letter with the Court today.

As Mr. Melvin earlier explained, the University has agreed to your proposal to [REDACTED] [REDACTED] in return for your signature on the proposed settlement agreement and the stipulation of dismissal copies. Each of these documents have previously been provided to you for your consideration, but let me know if you need me to send them again. Please respond to this email or Mr. Melvin's as soon as possible.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

BARCLAY DAMON LLP

Barclay Damon Tower • 125 East Jefferson Street • Syracuse, NY 13202
D: (315) 413-7123 • F: (315) 425-8566 • C: (515) 564-9497
E: PHorning@barclaydamon.com

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Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion

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Case Name: DOE v. Syracuse University

Case Number: [5:18-cv-01100-BKS-TWD](#)

Filer: Syracuse University

Document Number: [88](#)

Docket Text:

Second Letter Motion for Syracuse University requesting Additional Time to Respond to the Court's Text Order - Docket No. 87 submitted to Judge Brenda K. Sannes . (Horning, Payne)

5:18-cv-01100-BKS-TWD Notice has been electronically mailed to:

Edward G.

Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning pchorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

JANE DOE

(06274) #304 201

Eonju-ro, Gangnam-gu

Seoul, South Korea

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Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1051896954 [Date=5/25/2023] [FileNumber=5788055-0] [31157de605bea1d877d35ed7339611174b247281e2a1882d86204fb07c0c290f988efde663fa9ef1627386b84571da8943045e87a41f6112b63341c5266e46ee]]

<May 25 Extension Request Letter(26427149.1).pdf>

Exhibit F

From: [REDACTED]@gmail.com <[REDACTED]@gmail.com>
Sent: Friday, May 26, 2023 7:54 PM
To: Melvin II, Edward G. <emelvin@barclaydamon.com>
Cc: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I will forward the letter on Monday morning.

[REDACTED]

2023. 5. 27. 오전 12:56, Melvin II, Edward G. <emelvin@barclaydamon.com> 작성:

Ms. [REDACTED]: The process works much better if the parties communicate. I emailed you last Thursday, Friday and this past Tuesday with no response from you.

In the settlement agreement, the University agrees to your proposal. I'm not clear what you "disagree" about. If you disagree with something, the way the process works is you let the other side know.

Please forward me your letter to the Court.

Thank you. Edward Melvin

From: [REDACTED]@gmail.com>
Sent: Friday, May 26, 2023 11:51 AM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I did not reply two emails because I received them at 11PM and 7AM in Korean time. I did not sign on the agreement because I disagree. And I let the court know that I sent the letter today.

Thank you,

[REDACTED]

On May 26, 2023, at 7:17 AM, Horning, Payne R. <PHorning@barclaydamon.com> wrote:

Ms. [REDACTED],

Please be advised that we filed the attached letter with the Court today.

As Mr. Melvin earlier explained, the University has agreed to your proposal [REDACTED] in [REDACTED] return for your signature on the proposed settlement agreement and the stipulation of dismissal copies. Each of these documents have previously been provided to you for your consideration, but let me know if you need me to send them again. Please respond to this email or Mr. Melvin's as soon as possible.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

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Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion

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Case Name: DOE v. Syracuse University
Case Number: [5:18-cv-01100-BKS-TWD](#)
Filer: Syracuse University
Document Number: [88](#)

Docket Text:

Second Letter Motion for Syracuse University requesting Additional Time to Respond to the Court's Text Order - Docket No. 87 submitted to Judge Brenda K. Sannes . (Horning, Payne)

5:18-cv-01100-BKS-TWD Notice has been electronically mailed to:

Edward G.
Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

JANE DOE
(06274) #304 201
Eonju-ro, Gangnam-gu
Seoul, South Korea

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Document description: Main Document

Original filename: n/a

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[STAMP dcecfStamp_ID=1051896954 [Date=5/25/2023] [FileNumber=5788055-0
] [31157de605bea1d877d35ed7339611174b247281e2a1882d86204fb07c0c290f988
efde663fa9ef1627386b84571da8943045e87a41f6112b63341c5266e46ee]]

<May 25 Extension Request Letter(26427149.1).pdf>

Exhibit G

From: Horning, Payne R.
Sent: Wednesday, May 31, 2023 12:59 PM
To: [REDACTED]@gmail.com
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Letter to the Court [IMAN-ACTIVE.FID2707984]

Good Afternoon Ms. [REDACTED],

I'm writing to inform you that we have yet to receive the letter you said you would send on Monday morning. We would appreciate if you could send us a copy by email at your earliest convenience.

Thank you,
PRH

From: [REDACTED]@gmail.com <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Sent: Friday, May 26, 2023 7:54 PM
To: Melvin II, Edward G. <emelvin@barclaydamon.com>
Cc: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I will forward the letter on Monday morning.

[REDACTED]

2023. 5. 27. 오전 12:56, Melvin II, Edward G. <emelvin@barclaydamon.com> 작성:

Ms. [REDACTED]: The process works much better if the parties communicate. I emailed you last Thursday, Friday and this past Tuesday with no response from you.

In the settlement agreement, the University agrees to your proposal. I'm not clear what you "disagree" about. If you disagree with something, the way the process works is you let the other side know.

Please forward me your letter to the Court.

Thank you. Edward Melvin

From: [REDACTED] [\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)
Sent: Friday, May 26, 2023 11:51 AM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I did not reply two emails because I received them at 11PM and 7AM in Korean time. I did not sign on the agreement because I disagree. And I let the court know that I sent the letter today.

Thank you,

[REDACTED]

On May 26, 2023, at 7:17 AM, Horning, Payne R.
<PHorning@barclaydamon.com> wrote:

Ms. [REDACTED],

Please be advised that we filed the attached letter with the Court today.

As Mr. Melvin earlier explained, the University has agreed to your proposal to [REDACTED] in return for your signature on the proposed settlement agreement and the stipulation of dismissal copies. Each of these documents have previously been provided to you for your consideration, but let me know if you need me to send them again. Please respond to this email or Mr. Melvin's as soon as possible.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

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Sent: Thursday, May 25, 2023 5:52 PM

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Subject: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter

Request/Motion

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Case Number: [5:18-cv-01100-BKS-TWD](#)

Filer: Syracuse University

Document Number: [88](#)

Docket Text:

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Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

5:18-cv-01100-BKS-TWD Notice has been delivered by other means to:

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Eonju-ro, Gangnam-gu
Seoul, South Korea

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Document description: Main Document

Original filename: n/a

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[STAMP dcecfStamp_ID=1051896954 [Date=5/25/2023] [FileNumber=5788055-0] [31157de605bea1d877d35ed7339611174b247281e2a1882d86204fb07c0c290f988efde663fa9ef1627386b84571da8943045e87a41f6112b63341c5266e46ee]]

<May 25 Extension Request Letter(26427149.1).pdf>

EXHIBIT H

From: [REDACTED]@gmail.com <[REDACTED]@gmail.com>
Sent: Wednesday, May 31, 2023 7:33 PM
To: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Re: Letter to the Court [IMAN-ACTIVE.FID2707984]

I believed that you have the audio file that was recorded at su psychology center. I provided the sealed document of the transcript. I also provided psychology evaluation in English which was also sealed. I explained i had not received any additional documents from the defendant as you promised to provide and we did not reach to the agreement. You will see the letter to the court when it is available.

About negotiation:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

[REDACTED]

2023. 6. 1. 오전 1:59, Horning, Payne R. <PHorning@barclaydamon.com> 작성:

Good Afternoon Ms. [REDACTED],

I'm writing to inform you that we have yet to receive the letter you said you would send on Monday morning. We would appreciate if you could send us a copy by email at your earliest convenience.

Thank you,
PRH

From: ██████████ @gmail.com <██████████ @gmail.com>
Sent: Friday, May 26, 2023 7:54 PM
To: Melvin II, Edward G. <emelvin@barclaydamon.com>
Cc: Horning, Payne R. <PHorning@barclaydamon.com>
Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

I will forward the letter on Monday morning.

██████████

2023. 5. 27. 오전 12:56, Melvin II, Edward G. <emelvin@barclaydamon.com>

작성:

Ms. █████: The process works much better if the parties communicate. I emailed you last Thursday, Friday and this past Tuesday with no response from you.

In the settlement agreement, the University agrees to your proposal. I'm not clear what you "disagree" about. If you disagree with something, the way the process works is you let the other side know.

Please forward me your letter to the Court.

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To: Horning, Payne R. <PHorning@barclaydamon.com>
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Subject: Re: Activity in Case 5:18-cv-01100-BKS-TWD DOE v. Syracuse University Letter Request/Motion [IMAN-ACTIVE.FID2707984]

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Thank you,

██████████

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[REDACTED] in return for your signature on the proposed settlement agreement and the stipulation of dismissal copies. Each of these documents have previously been provided to you for your consideration, but let me know if you need me to send them again. Please respond to this email or Mr. Melvin's as soon as possible.

Thank you,
PRH

Payne R. Horning

Pronouns: he/him/his
Associate

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Case Number: 5:18-cv-01100-BKS-TWD

Filer: Syracuse University

Document Number: 88

Docket Text:

**Second Letter Motion for Syracuse University
requesting Additional Time to Respond to the Court's
Text Order - Docket No. 87 submitted to Judge Brenda
K. Sannes . (Horning, Payne)**

**5:18-cv-01100-BKS-TWD Notice has been electronically
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Edward G.

Melvin emelvin@barclaydamon.com, docketing@barclaydamon.com, mlawlor@barclaydamon.com

Payne Horning phorning@barclaydamon.com

**5:18-cv-01100-BKS-TWD Notice has been delivered by other
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efde663fa9ef1627386b84571da8943045e87a41f6112b63341c5266e46ee]]

<May 25 Extension Request Letter(26427149.1).pdf>

EXHIBIT I

From: Horning, Payne R.
Sent: Tuesday, February 28, 2023 4:55 PM
To: [REDACTED] @gmail.com>
Cc: Melvin II, Edward G. <emelvin@barclaydamon.com>
Subject: Discovery Matters [IWOV-Active.FID2707984]

Ms. [REDACTED].

Pursuant to the Court's Text Order issued February 3, 2023, please see the attached letter, which has also been mailed to your address.

Best regards,
PRH

EXHIBIT J

BARCLAY DAMON LLP

Payne R. Horning
Associate

February 28, 2023

VIA E-MAIL and UPS

[REDACTED]
#304 Enoju-ro 201
Seoul, South Korea 06274

Re: Jane Doe v. Syracuse University
Case No.: 5:18-cv-1100 (BKS/TWD)

Dear Ms. [REDACTED]:

As you are aware, on February 3, 2023, the Court issued a Text Order directing Defendant Syracuse University (“Defendant”) to (1) serve a copy of its redacted Dkt. No. 72-1 letter on Plaintiff and (2) serve updated discovery in response to Plaintiff’s deficiency letter referenced in Dkt. No 78. (Dkt. No. 79). Defendant responds as follows.

With respect to the Court’s directive that Defendant serve Plaintiff with a copy of the redacted letter it submitted to the Court on December 28, 2022, please note that Defendant provided Plaintiff with an unredacted version of this filing on December 27, 2022. Upon learning that certain portions of the exhibits referenced in the letter that Defendant submitted to the Court on December 27, 2022 were unredacted, Defendant contacted the Court Clerk and requested that the document be withdrawn. Defendant then submitted to the Court a redacted version of the same letter, a copy of which is attached hereto as **Appendix 1**. As you recall, Defendant responded promptly when Plaintiff notified it of the error and worked expeditiously to correct the problem. A copy of Defendant’s correspondence with Plaintiff in this regard is attached as **Appendix 2**.

With respect to the Court’s directive that Defendant serve Plaintiff with updated discovery in response to Plaintiff’s deficiency letter dated December 6, 2022, please note that Defendant already provided this response in a letter dated December 22, 2022. A copy of Defendant’s response and the email and shipping label confirming the delivery of the same to Plaintiff is attached hereto as **Appendix 3**. If you object to our discovery responses, please provide Defendant with a deficiency letter explaining which of the answers you find to be inadequate and why.

Thank you.

Best regards,
s/Payne Horning